

**No. 3:02-CV-459
(Phillips)**

on the technicalities of pleadings. *Trefft v. Seward*, 689 F.2d 637, 639 (6th Cir. 1982), citing *Conley v. Gibson*, 355 U.S. 41, 48 (1957). Although this matter is not before the court on a motion to amend the pleadings, the court finds the reasoning of Rule 15 applicable to plaintiffs' motion to strike. This case will be tried on its merits, and the court will not strike defendant's counterclaim on a technicality. Accordingly, plaintiffs' motion to strike is **DENIED**; however, pursuant to the Sixth Circuit's liberal policy of permitting amendments, plaintiffs' motion for leave to file a reply to the counterclaim is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge